other information the Administrator may require.

§ 91.119 Certification procedure—use of special test procedures.

(a) *Use of special test procedures by EPA.* The Administrator may establish special test procedures for any engine that the Administrator determines is not susceptible to satisfactory testing under the specified test procedures set forth in subpart E of this part.

(b) *Use of alternative test procedures by an engine manufacturer.* (1) A manufacturer may elect to use an alternative test procedure provided that it yields results equivalent to the results from the specified test procedure in subpart E, its use is approved in advance by the Administrator, and the basis for equivalent results with the specified test procedures is fully described in the manufacturer's application.

(2) An engine manufacturer electing to use alternate test procedures is solely responsible for the results obtained. The Administrator may reject data generated under test procedures which do not correlate with data generated under the specified procedures.

(3) A manufacturer may elect to use the test procedures in 40 CFR part 1065 as an alternate test procedure without getting advance approval by the Administrator or meeting the other conditions of paragraph (b)(1) of this section. The manufacturer must identify in its application for certification that the engines were tested using the procedures in 40 CFR part 1065. For any EPA testing with engines subject to standards under this part, EPA will use the manufacturer's selected procedures for mapping engines, generating duty cycles, and applying cycle-validation criteria. For any other parameters, EPA may conduct testing using either of the specified procedures.

(4) Where we specify mandatory compliance with the procedures of 40 CFR part 1065, manufacturers may elect to use the procedures specified in 40 CFR part 86, subpart N, as an alternate test procedure without advance approval by the Administrator.

[61 FR 52102, Oct. 4, 1996, as amended at 70 FR 40451, July 13, 2005; 73 FR 59183, Oct. 8, 2008]

§ 91.120 Compliance with Family Emission Limits over useful life.

(a) If all test engines representing an engine family have emissions, as determined in paragraph (c)(3)(iii) of this section, less than or equal to the applicable Family Emission Limit (FEL) for each pollutant as determined according to §91.104 (c), that family complies with the Family Emission Limit .

(b) If any test engine representing an engine family has emissions (as determined in paragraph (c)(3)(iii) of this section, greater than the applicable Family Emission Limit for any pollutant as determined according to §91.104(c), that family will be deemed not in compliance with the Family Emission Limits.

(c)(1) The engine Family Emission Limits (FELs) apply to the emissions of engines for their useful lives.

(2) Since emission control efficiency generally decreases with the accumulation of service on the engine, deterioration factors must be used in combination with emission data engine test results as the basis for determining compliance with the standards.

(3)(i) Paragraph (c)(3)(ii) of this section describes the procedure for determining compliance of an engine with family emission limits, based on deterioration factors supplied by the manufacturer.

(ii) Separate exhaust emission deterioration factors, determined by the manufacturer, must be supplied for each engine family. The deterioration factors must be applied as follows:

(A) For marine spark-ignition engines not utilizing aftertreatment technology (for example, catalytic converters), the official exhaust emission results for each emission data engine at the selected test point are adjusted by adding the appropriate deterioration factor to the results. However, if the deterioration factor supplied by the manufacturer is less than zero, it is zero for the purposes of this paragraph.

(B) For marine spark-ignition engines utilizing aftertreatment technology (for example, catalytic converters), the official exhaust emission results for each emission data engine at the selected test point are adjusted